

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I understand we have some amendments to present so I'll turn this over to Senator DeCamp for the moment.

SENATOR DE CAMP: Mr. President, members of the Legislature, LB 187 started out as a bill to address the marijuana issue and over the last year and a half it has developed into a much more comprehensive bill to address a number of problems and these problems include: minor in possession, public intoxication which we've wrestled for seven or eight years, marijuana under an ounce, possession of tobacco and this type of thing by children, the problem of drug education and what I have now is a complete bill which you have probably received information on and which I am passing out to you now. What it is, is an infraction system. It's kind of something that came out of the new federal law in Washington which the Senate has adopted and which looks like it is going to become the national criminal code and some ideas I got from our Nebraska court system and from Chief Anderson, the guy in Omaha, the Police Chief. So what does it say? It says we create an infraction. An infraction is something that society forbids, that they don't want, that they outlaw. They say it's wrong, but there are things that we don't want to take all of our law enforcement money and court time on but we want to make it an effective sanction. For example, we don't want minors in possession of alcoholic beverages. We don't want people stumbling around the streets in the state of intoxication, causing problems. We don't want children possessing tobacco products and using them and we don't want people using small amounts of marijuana or large amounts. At the same time we don't want to spend a \$1,000 of court and police time to enforce this sanction and we wanted something that is fairly certain. At the present time, and I've had this happen fifty or a hundred times if I've had it happen once, I'll get a call from some kid that wants to go into the Army or the Air Force or the Navy after high school and he will go through the procedures and they will discover that he has a minor in possession conviction on his record. That's a criminal offense. Okay? The rules of these services generally provide you can't have this so we have to go through all kinds of ceremony procedures and forms before this kid ever gets in the service, sometimes before he gets into a lot of other businesses or professions. We're going to impose just a severe penalty but we're going to do it more economically and instead of imposing it at a cost to us of a \$1,000, we will be doing it at a cost to us of \$25 or \$50. So the system says, an infraction shall mean the violation of any law, ordinance, order, rule or regulation which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense, and then it says that any person found guilty of an infraction shall be fined not more than \$100 first offense, second offense within a year, \$200, third offense, if there is a third offense, \$300. Okay? It also provides that the police officer if he deems it wise or necessary can take this person into custody just as we do now, but if he wants he can use the citation system, uniform citation system. You know, each year as I've said, for seven years that I'm aware of, the issue of what to do about public intoxication has come up and they want to decriminalize it or eliminate all the penalties saying public intoxication or drunkenness is a disease. Well, that's all well and good, maybe, but it doesn't address the problem of what about the guy stumbling out there. What do you do for his protection? What do you do for society's protection? This provides an economical and efficient means of handling